

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Southern Division (Greenbelt)

MAINSTREET BANK)
Plaintiff,)
v.) Case No. 8:10-cv-02116 (AW)
NATIONAL EXCAVATING)
CORPORATION, *et. al*)
Defendants.)

)

DEFENDANTS' MOTION TO DISMISS

COME NOW Defendants William B. Finagin, Jr. ("Finagin") and National Wrecking Corporation ("NWC") (hereinafter collectively referred to as "Defendants"), by and through counsel, Seeger Faughnan Mendicino PC, pursuant to Rule 12(b)(3), and respectfully file this Motion to Dismiss the Complaint filed by Plaintiff MainStreet Bank ("Main Street").

The grounds for this motion are more fully set forth in the attached memorandum incorporated herein by reference.

Dated: September 1, 2010

Respectfully submitted,

SEEGER FAUGHNAN MENDICINO PC

By: /s/ Stephen M. Seeger
Stephen M. Seeger, #8986
Kristin E. Protas, #16931
Seeger Faughnan Mendicino, PC
2620 P Street, N.W.
Washington, D.C. 20007
Tel. (202) 822-8838
Fax. (202) 822-6982
Email: seeger@sfmlawfirm.com
Email: protas@sfmlawfirm.com

**Counsel for Defendants William B.
Finagin, Jr. and Defendant
National Wrecking Corporation**

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2010, I will electronically file the foregoing Motion to Dismiss with the Clerk of the Court through the Court's CM/ECF system, which will then send a Notification of Electronic Filing (NEF) to the following:

Richard E. Hagerty, Esq.
Troutman Sanders, LLP
1660 International Drive, Suite 600
McLean, Virginia 22102
Counsel for MainStreet Bank

Joshua D. Heslinga, Esq.
Troutman Sanders, LLP
1001 Haxall Point
PO Box 1122
Richmond, Virginia 23218-1122
Counsel for MainStreet Bank

And I hereby further certify that a true and correct copy of the foregoing Motion to Dismiss was sent by first-class mail, postage prepaid on September 1, 2010 to:

G. Rogers Smith, Trustee
125 Country Club Drive
Covington, LA 70433
**Resident Agent for Defendant NEC ESOT
And Defendant**

/s/ Stephen M. Seeger

Stephen M. Seeger, #8986
Kristin E. Protas, #16931
Seeger Faughnan Mendicino, PC
2620 P Street, N.W.
Washington, D.C. 20007
Tel. (202) 822-8838
Fax. (202) 822-6982
Email: seeger@sfmlawfirm.com
Email: protas@sfmlawfirm.com